

Members

Sen. Sue Landske, Chairperson
Sen. Connie Lawson
Sen. Jean Breaux
Sen. Lindel Hume
Rep. Matt Pierce
Rep. Philip GiaQuinta
Rep. Kathy Richardson
Rep. Robert Behning



CENSUS DATA ADVISORY COMMITTEE

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MEETING MINUTES¹

Meeting Date: September 12, 2007
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St.,
Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Sue Landske, Chairwoman; Sen. Connie Lawson; Rep. Philip GiaQuinta; Rep. Kathy Richardson; Rep. Robert Behning.

Members Absent: Sen. Jean Breaux; Sen. Lindel Hume; Rep. Matt Pierce.

Chairwoman Senator Sue Landske, called the meeting to order at 10:19 AM. She asked all members and staff present to introduce themselves. After introductions, the Chair asked Joe McLain, Help America Vote Act (HAVA) administrator, to testify on HAVA reimbursements.

Joe McLain, HAVA Administrator, Office of the Secretary of State-

Mr. McLain stated that on the upcoming Friday, September 14, 2007, \$73,000 would be distributed to five Indiana counties. It was determined that these counties required additional funds from their HAVA allotment to purchase needed equipment in order to be in compliance with HAVA. Given that these counties still had a small amount of allocation remaining, the funds were able to be distributed for the purposes of purchasing additional election equipment. Mr. McLain said that, to date, approximately \$38 M in reimbursements from HAVA allocations have been made. He continued that a handful of counties still have a small amount of funds remaining. In order to get the funds, counties with funds remaining must amend their original application for reimbursement and their vendor contract. The amendment must be reviewed by the Secretary of State, the State Budget Agency, and approved by the State Budget Committee. Finally, the Co-Directors of the Election Division then must request the Auditor of State to release funds to the approved counties.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Senator Lawson asked Mr. McLain which five counties had the \$73,000 been awarded. Mr. McLain replied Bartholomew, DeKalb, Dubois, Knox, and Marshall.

Senator Lawson asked if Parke and Wayne are in the pool to request HAVA funds.

Mr. McLain answered that counties were originally split between Tier A and Tier B. He continued that Parke was a Tier A county with \$8,000 per precinct in HAVA allocations. He said that Parke chose the Voting Technologies International (VTI) touchscreen system and that the county's entire allocation of HAVA funds was exhausted. Mr. McLain commented that he was not certain about Wayne's HAVA allocation status. VTI, he said, may no longer be in business.

Representative Richardson said that there are four counties that have VTI equipment. She said they are struggling to find funds to replace their voting equipment with a company that can provide support. Mr. McLain responded that the counties in question were advised to seek low-interest loans with the Indiana Bond Bank in order to finance new machines. He said that Cass still has some money remaining in their allotment that could be used for new machines.

Representative Richardson said she worked with the Boone County Clerk to try to find an alternative to their VTI equipment.

Representative Behning asked if a national search had been made to find a start-up company that could provide support to the counties with VTI machines. He and Representative Richardson echoed that it would be very unfortunate if these counties had to replace these machines.

Mr. McLain said that the state has the source code for the VTI machines in escrow but there is need for someone to provide the service to the counties.

Representative Behning asked if the Election Commission checks a vendor's financial stability before approving new voting systems.

Mr. McLain stated that he did not want to speak for the Election Commission but stated he was aware that certain requirements must be met. However, financial stability is not currently a requirement for certification of a voting system.

Representative Behning stated that the state should be checking a potential vendor's business stability.

Senator Landske said the question should be placed to the Election Division when they are in attendance. Seeing no further questions for Mr. McLain, the Chair turned testimony over to the Office of Census Data.

Maureen Bard and Mark Stratton, Co-Managers, Office of Census Data, Legislative Services Agency-

Mr. Stratton clarified that he and Ms. Bard are employed by the Legislative Services Agency and not the U.S. Bureau of Census as is sometimes circulated.

Mr. Stratton provided background on the Office of Census Data's (OOCDD) existence. He said the OOCDD began life in 2001. Prior to its formation, their role was to be a resource during the redistricting process. He continued that one of the OOCDD's missions is to work with local election officials and the Election Division on county precinct boundaries. He said the OOCDD

primarily looks at the technical details, such as if the county submitted the right paperwork and if it was completed properly.

Mr. Stratton said there were two programs at the core of what OOCd does. First, he said, they help maintain the “master address file” or the Local Update of Census Addresses (LUCA), which contains every resident in the United States. He said they must assure that LUCA is accurate and clean. He said local officials help with the maintenance and provide the information to the U.S. Census Bureau.

Second, Mr. Stratton explained the Boundary and Annexation Survey (BAS). He said it is a survey directed at local governments to describe their boundaries as of the date of the survey. He said BAS attempts to make sure local governments describe all annexations in order to count or discount persons in the city. He said, recently, the Census Bureau has attempted to combine LUCA and BAS.

Representative Richardson said the locals have a good working relationship with the OOCd. She said she was personally grateful for their assistance in her home county of Hamilton.

Senator Landske asked Mr. Stratton how the OOCd is notified of precinct boundary changes. Mr. Stratton’s response was that they receive direct contact from county officials or receive email from the Election Division of county files that were submitted to them.

Senator Lawson asked what is the drop-dead date for precinct changes. Mr. Stratton replied that precincts cannot take effect until after the election. He said he believed the end-date is the day before the candidate filing deadline. He said that is necessary in order to have the necessary time to review the proposed boundary changes.

Representative GiaQuinta asked what the primary reasons are for changes. Mr. Stratton replied that a lot of the changes have occurred due to annexations. However, more recently, changes have occurred because counties request precincts to combine, or the precinct population exceeds the limit.

The Chair recognized Ms. Maureen Bard to testify. Ms. Bard described the redistricting process currently underway. She passed out several handouts in one exhibit (Exhibit A). She referred to the five phases of redistricting planning for 2010 under P.L. 94-171 (refer to Exhibit A). Ms. Bard referred to the Profile of Selected Social Characteristics from the Census Bureau’s website (Refer to Exhibit A). She said that the website data was based on 2000 census data. She continued that the U.S. Census Bureau is attempting to achieve improved data accuracy in future years with the American Community Survey. By summer of 2008, she said data on social characteristics will be available from survey samples from years 2005 through 2007.

Ms. Bard showed the Committee members a walk-through of the Bureau’s American Factfinder function via handout (please refer to Exhibit A). She also discussed the P.L. 94-171 time line for the five phases. She stated that the phase 2 deadline approaches in December of 2007 and that they are seeking Committee input on the letter to be sent by that deadline.

Ms. Bard briefly discussed software issues saying that the OOCd has software and that the Bureau also can provide software as needed. She mentioned the increased use of aerial photographs to examine precinct and district borders. She said its increased use was a matter of funding and that many counties do their own aerial photography. She continued that the Bureau has spent much time and money to “line-up” aerial photos with street maps. She said in the past there have been problems with the streets precisely lining up with the photos.

Ms. Bard commented on the role of the National Council of State Legislatures (NCSL) in the OOC's work. She said the most significant difference with the OOC was that previously they had one year prior to census to gather data for redistricting. This time the OOC will submit precinct data much earlier. She continued that as a result this will affect more election cycles. She added that additional submissions will be for tweaking purposes only.

Representative Richardson asked about the freezing period of precincts.

Ms. Bard answered that now there will be a submission date of September 2008 from which precincts will be frozen for the 2008 election.

Representative Richardson said that changes would be due this Friday (September 14). She said many local officials may not know this and as a result could cause problems.

Ms. Bard then handed out a time line showing the differences in redistricting activities from prior redistricting efforts (see Exhibit B).

Senator Landske asked both Ms. Bard and Mr. Stratton what appropriate action from the Committee is necessary to carry out the phases under P.L. 94-171.

Ms. Bard responded that generally they take the submission letter to the four legislative leaders and the Governor for signature. Generally, they are notified that it is forthcoming. Mr. Stratton added that in the past the Legislative Council may, as well, have adopted by resolution.

Chairwoman Landske then asked if anyone else in attendance wished to testify. Hearing no comments from attendees, she moved the Committee on to other business. She outlined that she would like to hear from the Election Division at the next meeting date and possibly discuss proposals for legislation if necessary. The Chair asked staff attorney Peggy Piety if she had been contacted about proposed legislation. Ms. Piety responded that the Election Division had not contacted her regarding legislation for the upcoming legislative session.

The Committee briefly discussed the setting of the next meeting date. However, the Chair did not assign a meeting date, but stated that a date would be set for sometime in October in about a week. Seeing no other business to come before the Committee, Chairwoman Landske adjourned the Committee at 11:13 AM.